

SSB 6502 - H COMM AMD

By Committee on Criminal Justice & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that notifying
4 victims of crime when their offender is released from incarceration,
5 transferred, or served with a protective order is vital to enhancing
6 the safety and mental well-being of a victim. In recognition of the
7 victim's needs, some Washington state local governments have
8 implemented a victim notification system. However, only a few local
9 governments have implemented these systems which are presently not
10 connected to an interoperable statewide system.

11 The legislature has learned that nineteen states have passed
12 legislation to implement a statewide interoperable victim notification
13 system. The legislature has also learned that the statewide city and
14 county jail booking and reporting system, as created by RCW 36.28A.040,
15 could efficiently be enhanced to include a statewide automated victim
16 information and notification system. It is the intent of this act to
17 provide victims throughout our state with the knowledge they need to
18 secure their physical and mental well-being.

19 **Sec. 2.** RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read
20 as follows:

21 (1) No later than July 1, 2002, the Washington association of
22 sheriffs and police chiefs shall implement and operate an electronic
23 statewide city and county jail booking and reporting system. The
24 system shall serve as a central repository and instant information
25 source for offender information and jail statistical data. The system
26 (~~shall~~) may be placed on the Washington state justice information
27 network and be capable of communicating electronically with every
28 Washington state city and county jail and with all other Washington
29 state criminal justice agencies as defined in RCW 10.97.030.

1 (2) After the Washington association of sheriffs and police chiefs
2 has implemented an electronic jail booking system as described in
3 subsection (1) of this section, if a city or county jail or law
4 enforcement agency receives state or federal funding to cover the
5 entire cost of implementing or reconfiguring an electronic jail booking
6 system, the city or county jail or law enforcement agency shall
7 implement or reconfigure an electronic jail booking system that is in
8 compliance with the jail booking system standards developed pursuant to
9 subsection (4) of this section.

10 (3) After the Washington association of sheriffs and police chiefs
11 has implemented an electronic jail booking system as described in
12 subsection (1) of this section, city or county jails, or law
13 enforcement agencies that operate electronic jail booking systems, but
14 choose not to accept state or federal money to implement or reconfigure
15 electronic jail booking systems, shall electronically forward jail
16 booking information to the Washington association of sheriffs and
17 police chiefs. At a minimum the information forwarded shall include
18 the name of the offender, vital statistics, the date the offender was
19 arrested, the offenses arrested for, the date and time an offender is
20 released or transferred from a city or county jail, and if available,
21 the mug shot. The electronic format in which the information is sent
22 shall be at the discretion of the city or county jail, or law
23 enforcement agency forwarding the information. City and county jails
24 or law enforcement agencies that forward jail booking information under
25 this subsection are not required to comply with the standards developed
26 under subsection (4)(b) of this section.

27 (4) The Washington association of sheriffs and police chiefs shall
28 appoint, convene, and manage a statewide jail booking and reporting
29 system standards committee. The committee shall include
30 representatives from the Washington association of sheriffs and police
31 chiefs correction committee, the information service board's justice
32 information committee, the judicial information system, at least two
33 individuals who serve as jailers in a city or county jail, and other
34 individuals that the Washington association of sheriffs and police
35 chiefs places on the committee. The committee shall have the authority
36 to:

37 (a) Develop and amend as needed standards for the statewide jail

1 booking and reporting system and for the information that must be
2 contained within the system. At a minimum, the system shall contain:

3 (i) The offenses the individual has been charged with;

4 (ii) Descriptive and personal information about each offender
5 booked into a city or county jail. At a minimum, this information
6 shall contain the offender's name, vital statistics, address, and
7 mugshot;

8 (iii) Information about the offender while in jail, which could be
9 used to protect criminal justice officials that have future contact
10 with the offender, such as medical conditions, acts of violence, and
11 other behavior problems;

12 (iv) Statistical data indicating the current capacity of each jail
13 and the quantity and category of offenses charged;

14 (v) The ability to communicate directly and immediately with the
15 city and county jails and other criminal justice entities; and

16 (vi) The date and time that an offender was released or transferred
17 from a local jail;

18 (b) Develop and amend as needed operational standards for city and
19 county jail booking systems, which at a minimum shall include the type
20 of information collected and transmitted, and the technical
21 requirements needed for the city and county jail booking system to
22 communicate with the statewide jail booking and reporting system;

23 (c) Develop and amend as needed standards for allocating grants to
24 city and county jails or law enforcement agencies that will be
25 implementing or reconfiguring electronic jail booking systems.

26 ~~(5) ((By January 1, 2001, the standards committee shall complete~~
27 ~~the initial standards described in subsection (4) of this section, and~~
28 ~~the standards shall be placed into a report and provided to all~~
29 ~~Washington state city and county jails, all other criminal justice~~
30 ~~agencies as defined in RCW 10.97.030, the chair of the Washington state~~
31 ~~senate human services and corrections committee, and the chair of the~~
32 ~~Washington state house of representatives criminal justice and~~
33 ~~corrections committee.))~~ (a) A statewide automated victim information
34 and notification system shall be added to the city and county jail
35 booking and reporting system. The system shall:

36 (i) Automatically notify a registered victim via the victim's
37 choice of telephone, letter, or e-mail when any of the following events

1 affect an offender housed in any Washington state city or county jail
2 or department of corrections facility:

3 (A) Is transferred or assigned to another facility;

4 (B) Is transferred to the custody of another agency outside the
5 state;

6 (C) Is given a different security classification;

7 (D) Is released on temporary leave or otherwise;

8 (E) Is discharged;

9 (F) Has escaped; or

10 (G) Has been served with a protective order that was requested by
11 the victim;

12 (ii) Automatically notify a registered victim via the victim's
13 choice of telephone, letter, or e-mail when an offender has:

14 (A) An upcoming court event where the victim is entitled to be
15 present, if the court information is made available to the statewide
16 automated victim information and notification system administrator at
17 the Washington association of sheriffs and police chiefs;

18 (B) An upcoming parole, pardon, or community supervision hearing;
19 or

20 (C) A change in the offender's parole, probation, or community
21 supervision status including:

22 (I) A change in the offender's supervision status; or

23 (II) A change in the offender's address;

24 (iii) Automatically notify a registered victim via the victim's
25 choice of telephone, letter, or e-mail when a sex offender has:

26 (A) Updated his or her profile information with the state sex
27 offender registry; or

28 (B) Become noncompliant with the state sex offender registry;

29 (iv) Permit a registered victim to receive the most recent status
30 report for an offender in any Washington state city and county jail,
31 department of corrections, or sex offender registry by calling the
32 statewide automated victim information and notification system on a
33 toll-free telephone number or by accessing the statewide automated
34 victim information and notification system via a public web site. All
35 registered victims calling the statewide automated victim information
36 and notification system will be given the option to have live operator
37 assistance to help use the program on a twenty-four hour, three hundred
38 sixty-five day per year basis;

1 (v) Permit a crime victim to register, or registered victim to
2 update, the victim's registration information for the statewide
3 automated victim information and notification system by calling a toll-
4 free telephone number or by accessing a public web site; and

5 (vi) Ensure that the offender information contained within the
6 statewide automated victim information and notification system is
7 updated frequently to timely notify a crime victim that an offender has
8 been released or discharged or has escaped. However, the failure of
9 the statewide automated victim information and notification system to
10 provide notice to the victim does not establish a separate cause of
11 action by the victim against state officials, local officials, law
12 enforcement officers, or any related correctional authorities.

13 (b) An appointed or elected official, public employee, or public
14 agency as defined in RCW 4.24.470, or units of government and its
15 employees, as provided in RCW 36.28A.010, are immune from civil
16 liability for damages for any release of information or the failure to
17 release information related to the statewide automated victim
18 information and notification system and the jail booking and reporting
19 system as described in this section, so long as the release was without
20 gross negligence. The immunity provided under this subsection applies
21 to the release of relevant and necessary information to other public
22 officials, public employees, or public agencies, and to the general
23 public.

24 (c) Participation in the statewide automated victim information and
25 notification program satisfies any obligation to notify the crime
26 victim of an offender's custody status and the status of the offender's
27 upcoming court events so long as:

28 (i) Information making offender and case data available is provided
29 on a timely basis to the statewide automated victim information and
30 notification program; and

31 (ii) Information a victim submits to register and participate in
32 the victim notification system is only used for the sole purpose of
33 victim notification.

34 (d) Automated victim information and notification systems in
35 existence and operational as of the effective date of this act shall
36 not be required to participate in the statewide system.

1 NEW SECTION. **Sec. 3.** In Washington any vendor contracted to
2 provide a statewide automated victim notification service must deliver
3 the service with a minimum of 99.95-percent availability and with less
4 than an average of one-percent notification errors as a result of the
5 vendor's technology."

6 Correct the title.

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